

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

TERRENCE LAVAIL OLIPHANT §
VS. § CIVIL ACTION NO. 9:22cv66
CHAD TAYLOR, ET AL. §

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Terrence Lavail Oliphant, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, brings this civil rights action against several prison officials, including Margaret Price, Lonnie Townsend and Terri Vassilico, each of whom is employed at the Michael Unit.

Analysis

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district or division where the defendants reside or in which the claim arose.

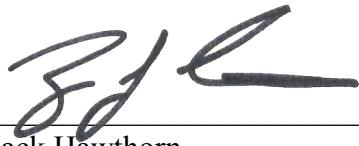
The Michael Unit is located in Anderson County. As the actions taken by defendants Price, Townsend and Vassilico were taken at the Michael Unit, the claims against these defendants arose in Anderson County. Pursuant to 28 U.S.C. § 124, Anderson County is located in the Tyler Division of this court rather than the Lufkin Division.

As Anderson County is located in the Tyler Division of this court, venue with respect to the claims against defendants Price, Townsend and Vassilico is not proper in the Lufkin Division. When a case or claim is filed in the wrong district, the court “shall dismiss, or if it be in the interests of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a).

ORDERED

Based on the foregoing, it is **ORDERED** that the claims against Defendants Price, Townsend and Vassilico are **SEVERED** from this action and **TRANSFERRED** to the Tyler Division.

SIGNED this 20th day of September, 2022.



Zack Hawthorn
United States Magistrate Judge